IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.4037 of 1998

Between:

1 Reddy Satyanarayana, S/o. Sathaiah,
R/o. Kothalnaka, Mummidivaram Mandal,
East Godavari.
2 Reddy Sree Ramulu, S/o. Sathaiah,
R/o. Kothalnaka, Mummidivaram Mandal,
East Godavari.
3 Reddy Veram Setty, S/o. Sathaiah,
R/o. Kothalnaka, Mummidivaram Mandal,
East Godavari.
4 Reddy Chandra Rao, S/o. Sathaiah,
R/o. Kothalnaka, Mummidivaram Mandal,
East Godavari.
5 Palivela Venkata Ratnam, S/o. Narayana,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
6 P.Laxminarayana, S/o. Narayana,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
7 M.Satyanarayana Raju, S/o. Peda Satyanarayana Raju,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
8 Mudumdi Suryanarayana Raju, S/o. Peda Satyanarayana Raju,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
9 Mudumdi Venkatarama Jagannadha Raju Varma, S/o. Peda

Satyanarayana Raju,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
10 Mudumdi Gopala Krishna Varma, S/o. Peda Satyanarayana Raju,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
11 Mudumdi Viswanadha Raju Varma, S/o. Peda Satyanarayana Raju,

R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.

12 S. Veram Setty, S/o. Maridi Surayya,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
13 S. Kabir Dar, S/o. Venkata Reddy,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
14 S.Chandra Rao, S/o. Maridi Surayya,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
15 S.Narayana Rao, S/o. Maridi Surayya,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
16 S.Lakshmana Swamy, S/o. Maridi Surayya,
R/o. Cehruvu, Samalavari palem,
Mummidvaram Mandal, East Godavari.
17 P.Ramakrishna Rao, S/o. Rama Swamy,
R/o. Kothalanka, Mummidivaram Mandal,
East Godavari.
18 P.Rama Mohan Rao, S/o. Rama Swamy,
R/o. Kothalanka, Mummidivaram Mandal,
East Godavari.

..... PETITIONERS

AND

1 The District Collector, Kakinada, East Godavari.
2 The Revenue Divisional Officer,
Amalapuram, East godavari.
3 The Mandal Revenue Officer,
Mummidivaram, East Godavari.
4 The Commissioner of Endowments,
Tilak Road, Hyderabad.
5 The Asst. Commissioner of Endowments,
Rajahmundry, East Godavari.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents 1 to 3 herein in not releasing the compensation awarded towards cyclone relief in favour of the petitioners herein for the damages suffered by them due to cyclone during the month of November, 1996 and the action of the 5th respondent herein in completing to evict

the petitioners herein from their lands situated at Kothalanka and Mummidivaram Village, Mummidvaram Mandal, East Godavari District as highly illegal, arbitrary, violative of Art.14 and 21 of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents 1 to 3 herein to release the amount payable to the petitioners herein towards compensation or loss due to cyclone in the year 1996.

Counsel for the Petitioners: MR.B.SATYANARAYANA

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 and 5: GP for Endowments

The Court made the following:

ORDER:

This writ petition is filed seeking to declare the action of the respondents 1 to 3 in not releasing the compensation awarded towards cyclone relief in favour of the petitioners for the damages suffered by them due to cyclone during the month of November, 1996 as illegal and arbitrary, and to direct the respondents 1 to 3 to release the said compensation amount in favour of the petitioners.

A counter affidavit is filed by the respondents denying the allegations of the petitioners and stating that the Collector has issued Circular instructions in Ref.A.10/8077/96, dated 08.03.1997 instructing that Cheques for cyclone relief amount shall be paid only to the Pattadars, who figured in the Adangals, and no amount shall be paid to the encroachers or leaseholders. It is further stated that since the petitioners are only tenants of endowment lands they are not entitled for any compensation.

Heard the learned counsel for petitioners and learned Government Pleader for Revenue.

The contention of the petitioners is that due to cyclone during the month of November, 1996 their entire coconut topes were damaged and they suffered heavy loss, therefore, they are entitled for payment of compensation as announced by the Government. But a perusal of the counter affidavit filed by the respondents clearly indicates that as per the circular orders issued by the Government in Ref.A.10/8077/96, dated 08.03.1997 the compensation amount is payable only to the owners of the property and that no amount is to be paid to the encroachers or leaseholders of the lands. Admittedly, the petitioners are the leaseholders of endowment lands and they are in possession of the same as cultivating tenants.

Hence, the contention of the petitioners that they are entitled for compensation cannot be accepted in the light of the counter averments. The petitioners, who are the cultivating tenants/leaseholders of endowment lands, are not entitled for any compensation.

Under the circumstances, there is no merit in the writ petition and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 17.03.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Kakinada, East Godavari.
2 The Revenue Divisional Officer,
Amalapuram, East godavari.
3 The Mandal Revenue Officer,
Mummidivaram, East Godavari.
4 The Commissioner of Endowments,
Tilak Road, Hyderabad.
5 The Asst. Commissioner of Endowments,
Rajahmundry, East Godavari.

6 Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

7 Two CD copies

8 Two CCS to GP for Endowments, High Court Buildings, Hyderabad ,

(OUT)

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